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OFFICE OF PETITIONS

DECISION ON PETITION

In re Patent No. 7,658,938
Issue Date: February 9, 2010
Application No. 09/510,560
Filed: February 22, 2000
Patentee(s): Kenneth Iain Cumming, et. al.

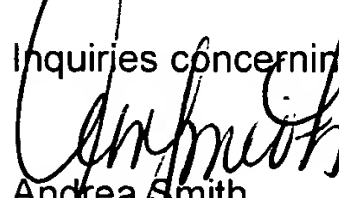
This is a decision on the request under 37 CFR 3.81 filed on July 9, 2010, to correct the name of the assignee on the front page of the above patent by way of a certificate of correction. The delay in responding is sincerely regretted.

Petitioner requests issuance of a Certificate of Correction in the name of "Merrion Research III Limited." However, U.S. Patent and Trademark Office (USPTO) assignment records fail to show that an assignment listing the name of the assignee as "Merrion Research III Limited" was submitted for recordation **in the above patent prior** to issuance. Therefore, a Certificate of Correction would not be in order.

Petitioner should note that an assignment recorded in the parent application is transferrable to a continuation or divisional application¹. However, an assignment recorded in a continuation or divisional application cannot go backwards and will not be transferred to a parent application. Thus, the present petition is **dismissed** and the Certificate of Correction mailed on August 17, 2010, is hereby **vacated**².

This patent file is being referred to the Certificates of Correction Branch for processing in accordance with this decision.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions

¹ MPEP 306 states in part, in the case of a division or continuation application, a prior assignment recorded against the original application is applied >(effective)< to the division or continuation application because the assignment recorded against the original application gives the assignee rights to the subject matter common to both applications. Although the assignment recorded against an original application is applied to the division or continuation application, the Office's assignment records will only reflect an assignment of a division or continuation application (or any other application) if a request for recordation in compliance with 37 CFR 3.28, accompanied by the required fee (37 CFR 3.41), is filed.

² The undersigned apologizes for any inconvenience caused to petitioner by this error.